Department of Public Health and Human Services	Section: NONFINANCIAL REQUIREMENTS
TANF CASH ASSISTANCE	Subject: Child Support Enforcement Referral

Supersedes: TANF 306-1 (01/01/06)

References: ARM 37.78.102 and .215; 45 CFR 264.30

GENERAL RULE–Prior to authorization of eligibility, applicants, participants and caretaker relatives are required to provide sufficient information to:

1.   locate the non-custodial parents,
2.   establish paternity of a child born out-of-wedlock, and
3.   secure child/medical support

unless there is Child Support Good Cause for refusing/failing to do so.

> **NOTE:**   Anytime the effective date of closure has passed and a new application is required a new set of child support papers is required.

ASSIGNMENT OF RIGHTS   By signing the 'Application for Assistance' (HCS-250), the parent or caretaker relative has automatically assigned and transferred all rights to child, spousal and medical support to the State of Montana, Department of Public Health and Human Services (DPHHS). The Child Support Enforcement Division (CSED) is designated by law to:

1.   locate the non-custodial parent(s),
2.   establish paternity, and
3.   establish and enforce all support obligations assigned.

The assignment is effective for current support, delinquent support accrued prior to the assignment and for medical obligations. The assignment takes effect upon a determination that the family is eligible for assistance and remains until eligibility terminates.

COOPERATION FOR SUPPORT   As a condition of eligibility, if the child's natural or adoptive parent is not living with the child, the specified caretaker relative (with whom the child is living) is required to cooperate with the State in pursuing child and medical support unless Child Support Good Cause for refusing to do so is determined to exist (TANF 306-2).

►   **NOTE**:   The custodial parent may request good cause at any time during the application process and after cash assistance has been approved.

Cooperation involves:

1.   Completing Form HCS/CS-332, "Child Support Enforcement Referral".

2.   Identifying and locating the parent(s) of the child.

3.   Assisting in establishing the paternity of a child born out of wedlock.

4.   Obtaining support payments.

5.   Obtaining any other payments or property due the parent/caretaker relative or the child.

6.   Appearing at the local office of child support enforcement or the county office of public assistance to provide oral or written information or documentary evidence relevant to the case.

7.   Appearing as a witness at court or other hearings or proceedings.

8.   Providing information or attesting to the lack of information under penalty of perjury.

9.   Paying to the State any support payments received directly from the non-custodial parent after approval of eligibility for TANF cash assistance.

NOTE: **If a participant receives child support after approval of benefits and <u>does not</u> return it to the State, the <u>Eligibility Case Manager will establish an overpayment</u> for the total amount of child support retained and make a referral to Claims and Recovery for an IPV.** (TANF 1505-1)

HCS/CS-332 'Child Support Enforcement Referral'

Required information about the non-custodial parent and the status of his/her support obligation is collected on Form HCS/CS-332, "Child Support Enforcement Referral".

► Except in circumstances where the individual cannot obtain the information and/or claims Child Support Good Cause, the individual will be required to provide both the name of the putative (assumed to be) father and/or mother and other information sufficient to verify the identity of the person named. The other information, which must be given <u>if known</u>, includes the non-custodial parent(s):

1.   Social security number,
2.   Date of birth,

3.   Past or present address,
4.   Telephone number,
5.   Past or present place of employment,
6.   Past or present school attended,
7.   Names and addresses of parents, friend or relatives able to provide location information,
8.   Military service,
9.   Other information that could enable the CSED staff to locate the non-custodial parent(s) and serve legal documents.

NOTE: If the parent/caretaker relative claims unknown on the HCS/CS-332, approve application if otherwise eligible and forward all information to CSED. CSED will conduct an investigation to determine if the unknown is valid.

If the natural/adoptive parent (or other caretaker relative, such as a grandmother) **fails or refuses** to cooperate with CSED without good cause, **assistance is denied or closed**.

A separate referral form must be completed for EACH non-custodial parent (or alleged parent) of the child(ren) for whom assistance is requested. If the applicant is the child's mother, the referral is completed on each person believed to be the child's father.

►   **NOTE:**   If the child's mother was married at the time the child was born, or 10 months prior to the time the child was born, a referral must be completed on the spouse, even if the mother indicates he is NOT the father of the child. If there is another alleged/potential father in the household, even if he is receiving TANF, a child support referral must be completed on him as well as on the spouse. This will allow CSED to accurately establish paternity.

If the applicant is not the child's parent, a referral must be made on BOTH the child's natural/adoptive mother and natural/adoptive father even if one or both are deceased.

NOTE: Only one set of 332's is required for an individual who is the parent of more than one child who is in the custody of a specified relative.

EXAMPLE: **Betsy's aunt Bonnie applies for TANF for Betsy's three children. Two of the children have the same father. Aunt Bonnie needs to complete one sent of 332's for Betsy and one for each of the absent fathers.**

► Once the HCS/CS-332 is completed, the Eligibility Case Manager transfers the information to TEAMS by selecting an existing absent parent on the Absent Parent Summary (ABPS) and updating the information, if appropriate; or indicating on ABPS the need to add a new absent parent and accessing the Absent Parent (ABP1-ABP3) screens.

► **NOTE:** If a child has a <u>participation</u> code of IN, DQ or TR and an <u>adult/child indicator</u> of C, N, F or T; TEAMS will require a deprivation code on DEPR. If a child has a <u>deprivation</u> code of DE, DV or SP, absent parent data must be collected and entered on the ABP 1-3 screens in order to pass eligibility requirements on TEAMS.

If the eligibility requirements are passed and benefits are issued, TEAMS will send information to SEARCHS if the OPA Cooperation code on ABP1 is CO or GC.

► Updates or corrections to the Absent Parent Screens will be sent from TEAMS to SEARCHS as appropriate and the CSED worker will be alerted of the changes.

► The white copy of the HCS/CS-332 is submitted to the regional CSED office. If good cause has been established (TANF 306-2) the completed white copies are <u>not</u> sent to CSED, but must be retained in the case file, along with the signed HCS-333 "Notice of Requirement to Cooperate and Right to Claim Good Cause for Refusal to Cooperate in Child Support Enforcement" form. A TEAMS case note titled "CSED Good Cause Approval" must be entered as well.

► If the applicant is a pregnant woman in her last trimester with no other children receiving assistance, the hard copy HCS/CS-332 is NOT submitted to the CSED nor is data entered on the Absent Parent Screens <u>until</u> the child is born.

► **NOTE:** If the unborn child is the basis for the woman's eligibility (i.e., there are no other children) then the HCS/CS-332 needs to be completed at application, as a condition of eligibility. The HCS/CS-332 should be retained in the case file until the child is born.

If the unborn is not the basis of eligibility (there are other children), the HCS/CS-332 does not need to be completed until the child is born.

EXAMPLES

1: Grandmother applies for TANF cash assistance. She is required to complete referrals on her grandchild's father AND mother. If she **fails or refuses** to do so for **either or both** parents without good cause, the application is denied. There is no TANF cash assistance eligibility for the grandchild alone.

2: A mother applies for TANF cash assistance. She has two children with different fathers. She **fails or refuses** without good cause to complete the HCS/CS-332 for child #1's father; all information is provided for child #2's father. The application must be denied because she has failed or refused to comply; she must be cooperating against all fathers of all her children.

3: A child's aunt makes application for TANF cash assistance for her nephew. She is required to complete the appropriate child support referral forms against her nephew's mother and father. She does not claim Good Cause. She states she does not know the required information. She must complete the HCS/CS-332 to the best of her ability. All available information is entered into TEAMS and the HCS/CS-332 is forwarded to CSED. A determination of eligibility is made on the case.

4: A 15 year-old teen parent lives with her aunt, who applies for TANF cash assistance on her behalf. The teen parent is required to complete child support referrals on each person she believes could be her child's father. If she fails or refuses to provide the required information without good cause, the application is denied.

The aunt must complete a Child Support Enforcement referral (HCS/CS-332) against both of the teen parent's parents as well.

5. A 17 year-old teen parent, living with her grandmother who is not included in the TANF household, receives TANF cash assistance. She is pregnant with her second child. She must complete Form HCS/CS-332 against each person she believes may be the unborn's father before the newborn could be added to the assistance unit. Referral should already be in place against the father of her other child. The newborn's HCS/CS-332 is not sent to CSED until the child is born.

The grandmother must complete a Child Support Enforcement referral (HCS/CS-332) against both of the teen parent's parents as well.

6. A mother applies for TANF cash assistance. She has two children with different fathers. She cannot provide all of the information required. She insists she has no further information to provide regarding the alleged father of child #1; all information is provided for child #2's father. All available information for both is entered into TEAMS and the HCS/CS-332's are forwarded to CSED. A determination of eligibility is made on the case. Document TEAMS Case Notes (CANO).

HCS/CS-332 NOT REQUIRED

A Child Support Enforcement Referral Form HCS/CS-332 is not required in the following circumstances:

► 1. Single parent adoption or other special circumstances. (Code 'SS' on DEPR);

► 2. Parental rights terminated by court action. (Code 'SS' on DEPR);

3. Child receives SSI;

   NOTE: A referral is required for medical support if the adult is receiving MA/FM. Please see FMA 901-1 for the appropriate Medicaid policy.

4. A minor parent emancipated by court or marriage or approved to live independently by the Teen Living Independently Review Committee. HCS/CS 332's are not required against the teen's parents but are required against the father of her child;

► 5. The non-custodial parent is deceased **and** CSED has closed the case for this reason using a closure code of 1300 on the SEARCHS Case Information screen (CAS). (Copy of the CAS screen is on page 12.)

► If the closure is confirmed, the DEPR code will be 'DE' and the OPA cooperation code on ABP1 will be 'EX'.

► **NOTE:** If the closure is not confirmed (no closure code of 1300 on CAS screen), the DEPR code will be 'DE' but the OPA cooperation code on ABP1 must be 'CO'. This will allow the referral to transfer to SEARCHS for confirmation and regulatory action on their system. In this instance, the hard copy of the HCS/CS-332 must be sent to CSED.

SUPPRESSING INFORMATION

With respect to the domestic violence issue, it is important to communicate relevant information to CSED to enhance services to parents or caretaker relatives. For example, if the Eligibility Case Manager becomes aware of an <u>incident of domestic violence</u> that a parent or caretaker relative has or is currently experiencing from the non-custodial parent, he/she should <u>immediately pass this information to the CSED via e-mail or hard copy memo.</u> CSED will begin the steps to suppress the information. It is also important to share this policy with the individual to assure him/her the family's safety will be protected. **CSED will suppress the custodial parent's <u>address information</u> based on the following circumstances:**

1.   There is a restraining order in place against the non-custodial parent.

►   2.   A Good Cause Claim (TANF 306-2) is approved as valid.

3.   CSED receives a threat from a non-custodial parent conveying the intent to harm the custodial parent.

4.   The custodial parent directly states or implies to CSED she/he fears physical or emotional harm from the non-custodial parent.

5.   CSED receives information from the Eligibility Case Manager that indicate the possibility of domestic violence directed toward the parent or caretaker relative.

If the information is not suppressed, the address of the custodial parent will be included on legal notices sent to the non-custodial parent.

►TEAMS INFORMATION

Non-custodial parent(s) data and cooperation/good cause information (e.g., whether the parent or caretaker relative is cooperating with Child Support, is exempt from cooperating, or has good cause not to cooperate)

►   is entered on the **ABP1, 2, and 3** screens, which are accessed via the **ABPS** screen.

►   The ABPS screen is a summary of all absent parent information connected to the case on TEAMS. This summary information will assist when adding a new absent parent to a case to ensure that duplicate absent parents are not stored on TEAMS. ABPS will also be the avenue for accessing the ABP1-3 screens. (See TEAMS Training Website for more information on the specific screens.)

►   Absent parent information will interface with the Child Support Enforcement Division via SEARCHS, CSED's automated system. The

automated interface will <u>not</u> occur if the child's deprivation code on DEPR is 'IC', 'UP' or 'SS'.

►   **NOTE:**   Even though deprivation is no longer a requirement for TANF eligibility, all children with a participation code of 'IN', 'DQ' or 'TR' and an adult/child indicator of C, N, F or T, are required to have a deprivation code entered on DEPR.

►   **DEPR Codes:**
Effective with the benefit month of 12/06, the following is a list of valid deprivation codes on TEAMS:

DE   Deceased
DV   Divorced
SP   Separated
IC   Incapacitated
UP   Underemployed
SS   Single Parent/Special Circumstances

►   **OPA Cooperation Codes:**
Effective with the benefit month of 12/06, the following is a list of valid OPA Cooperation codes on TEAMS:

CO   Person is cooperating
EX   Exempt
GC   Good Cause has been substantiated
NC   Person is not cooperating
PE   Pending for completion of HCS/CS-332 or confirmation of Good Cause

TEAMS PROCESS FOR UNBORNS
Responsibility   ACTION

Eligibility Case   1.   As a condition of eligibility, obtain a complete HCS/CS-332 from
Manager   the applicant if the unborn child is the basis for the woman's eligibility (i.e., there are no other children),

If the unborn is not the basis of eligibility (there are other children), the HCS/CS-332 does not need to be completed until the unborn is born.

2.   On TEAMS:

a.   Enter a participation code of 'UB' for the unborn, on the SEPA screen.

►   b.   Enter the appropriate deprivation code on the DEPR screen.

►   c.   DO NOT enter data on the ABP1, 2, 3 screens at this time;

     3.   Set an alert on ETAL for the month of the expected birth.

     4.   Keep the hard copy of the completed HCS/CS-332 in the case file.

     5.   Upon notification of the child's birth:

►   a.   Request required verification and SSN application information.

     b.   On TEAMS, change the child's Part Code from 'UB' to 'IN' for the month following birth or report whichever is later.

     c.   If the unborn was not the basis of eligibility (there are other children) obtain a copy of the HCS/CS-332 on the newborn.

►   d.   Update the hard copy HCS/CS-332 and enter the non-custodial parent data on the TEAMS screens (ABP1-3, etc.).

     e.   Send the hard copy HCS/CS-332 to the CSED regional office (306-4) upon authorization of benefits.

FAILURE OR REFUSAL TO COOPERATE
     <u>At application</u>, if a TANF cash assistance parent or caretaker relative fails or refuses to provide any required information (unless Child Support Good Cause is determined to exist), <u>the application is denied</u>.

     NOTE: A claim of unknown is considered cooperation.

►   <u>In an ongoing case</u>, if the parent or caretaker relative fails or refuses to comply, the eligibility case manager will receive an alert on ETAL indicating the parent or caretaker relative is not cooperating. As well, the CSED Cooperation code on ABP1 will be updated from 'CO' to 'NC' and benefits deauthorized for the following month.

►   **NOTE:**   If the deauthorization occurs and there is not time to give timely notice to the parent or caretaker relative, an authorized supervisor will need to change the CSED Cooperation code on ABP1 to 'OV' (override) which will allow TANF benefits to be authorized for the following month. An automatic TEAMS case note will be created, titled "OVERRIDE OF CSED NON-COOP CODE".

► The eligibility case manager <u>must</u> notify the parent or caretaker relative via TEAMS A606 notice that their case will be closed unless they comply with CSED or have good cause for non-compliance. If requested, the eligibility case manager will assist the individual with getting into cooperation with CSED.

If the parent or caretaker relative continues to fail or refuse to cooperate with CSED without good cause, <u>close the case and send timely notice.</u> Document action in TEAMS Case Notes (CANO).

If the parent or caretaker relative complies (CSED removed the non cooperation cite) prior to closure, assistance continues if the family is otherwise eligible.

If the individual complies after closure, the family must reapply.

The Eligibility Case Manager shall notify the child support investigator of the action taken via e-mail or hard copy memo.

NOTE: If, after closure of the case for non-compliance with CSED, the family reapplies within six (6) months, they must cooperate with CSED before benefits are issued.

If they reapply after the end of the sixth month, they will be considered by OPA to be in compliance by completing a new set of HCS/CS 332's for each absent parent.

**COOPERATION
PROCEDURE**   **ACTION**

Caretaker   1.   Complete all items on Form HCS/CS-332 <u>except</u> those in
Relative   the shaded areas marked "Agency Use Only."

Eligibility Case 2.   Review the HCS/CS-332 for completeness. If the individual
Manager: claims good cause, follow the procedure stated in Section 306-2.
                        Complete "Agency Use Only" sections. If the individual insists
►   he/she cannot provide any more information, enter all available
                        information in TEAMS. Proceed to step 4.

►   3.   Enter non-custodial parent and good cause data in TEAMS.

                  4.   Request that the caretaker relative provide <u>certified/notarized</u>
                        copies (if available; if not available plain copies will suffice) of the
                        following documents as appropriate:

                        a.   Marriage license, divorce decree, or separation order,

b. A signed acknowledgment of paternity if there is no marriage,

c. The child(ren)'s birth certificates,

d. The court order in IV-E Foster Care cases, if applicable, or

e. Proof of death if the non-custodial parent is deceased.

5. <u>Immediately</u> send the white copy <u>with documents</u> attached, to the regional child support enforcement office (TANF 306-4). Keep the yellow copy in the case file.

►CSED TRIBAL COURT

CSED cannot recommend non-cooperation when a parent or caretaker relative indicates they will not pursue a child support order through tribal court. If however, the parent or caretaker relative does not respond to the question from CSED of whether or not they intend to pursue the order through tribal court, they <u>can</u> be considered to be non-cooperative. In this instance, a non-cooperation code will be sent to TEAMS, resulting in an alert; deauthorization; and the CS Cooperation code being set to 'NC' on ABP1.

CONTINUATION OF ENFORCEMENT SERVICES

The Child Support Enforcement Division (CSED) is required to provide all enforcement services during the TANF cash assistance eligibility period. Once eligibility ends, the CSED will inform the former participant they may request these services to be discontinued.

Upon closure, former participants will receive "Notice From Child Support Enforcement Division" (a postcard) from the regional office informing the household that enforcement services will continue unless the notice is returned.

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SMSRCAS1                       CASE INFORMATION                    DATE 10/06/06
 USER CS1609   01           CASE NO 0000002 04  ACTV CPS 01            TIME 11:03
 MODE DISPLAY    WORKER CS8499  CATHERINE SMITH    PHONE 406 497-6606
                                                                         D V
 AP 01 GEORGES             BILL       J     ID 0000000104 SSN 608-10-9999
 CP 01 GEORGES             TERRY      R     ID 0000000106 SSN 517-04-9999


 STATUS  C  CLOSED      CCR STATUS CLOSED         ACTIVITY  ENF   06/07/05
 STS DATE   01/26/06       OPENED   02/10/04      LAST REVIEWED   10/19/05
  APPL RECD                CLOSED   01/26/06
 OPENED     02/10/04                           INTERSTATE
 CLOSED     01/26/06                              CSENET
                                              L/S
  CLOSURE CODE   1300                            SUPPRESS OFFSETS
  EVER ON TANF   Y                                       CREDIT BUREAU
           SUBCASE TYPE                                  BILLING
 X ASGN               _ NON IV-D CCR                      AIW
 _ UNASGN             _ NON IV-D CC IW ONLY
 _ IV-E FC            _ NON IV-D DIRECT IW    SECONDARY IDENTIFIERS
 _ NON-IV-E FC                                 _ AP INITIATED
 _ MED SUPP ENF ONLY  _ REG 16 CONTRACT LOC    _ PARENTAL KDNPG
                                               _ REG 16 LOCATE ONLY

 NEXT SCREEN ===> IST
SR900276 RECORDS SUCCESSFULLY MODIFIED
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